

AMENDED IN ASSEMBLY JUNE 13, 2011

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE APRIL 12, 2011

SENATE BILL

No. 801

**Introduced by Senator Kehoe
(Coauthors: Senators Correa and Gaines)**

February 18, 2011

An act to amend Section 87500 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 801, as amended, Kehoe. Political Reform Act of 1974: statement of economic interests.

Existing provisions of the Political Reform Act of 1974 require specified candidates for elective office, elected and appointed state officers, and public officers and employees to file statements of economic interests with specified entities according to the employing agency or office of the officer, employee, or candidate.

This bill would direct persons appointed to a state board, commission, or similar multimember body of the state, *other than those specified in the existing provisions described above*, to file their statements of economic interests with the respective board, commission, or body; ~~which would be required to retain the original and~~. *The bill would require the original statements of economic interests to be handled as set forth in the Conflict of Interest Code of the respective board, commission, or body and, if the board, commission, or body is not required to send the original to the Fair Political Practices Commission pursuant to its Conflict of Interest Code, the bill would require the*

board, commission, or body to forward a copy to the Fair Political Practices Commission.

Existing provisions of the Political Reform Act of 1974, with respect to statewide elected officers, candidates for statewide elective officer, Members of the Legislature, the State Board of Equalization, and candidates for the Legislature or the State Board of Equalization, requires copies of the statements of economic interests be sent, among other places, to the Secretary of State and certain local elections officials, as specified.

This bill would eliminate the requirement that copies of the above-described statements of economic interests be sent to the Secretary of State and the specified local elections officials.

Because a violation of the act is a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 87500 of the Government Code is
 2 amended to read:
 3 87500. Statements of economic interests required by this
 4 chapter shall be filed as follows:
 5 (a) Statewide elected officer—one original with the agency,
 6 which shall make and retain a copy, ~~forward a copy to the Secretary~~
 7 ~~of State, and forward the original to the Commission, which shall~~
 8 ~~retain the original and send one copy to the Registrar-Recorder of~~
 9 ~~Los Angeles County and one copy to the Clerk of the City and~~
 10 ~~County of San Francisco.~~ The Commission shall be the filing
 11 officer.

1 (b) Candidates for statewide elective office—one original and
2 one copy with the person with whom the candidate’s declaration
3 of candidacy is filed, who shall forward ~~the copy to the Secretary~~
4 ~~of State and the original to the Commission, which shall retain the~~
5 ~~original and send one copy to the Registrar-Recorder of Los~~
6 ~~Angeles County and one copy to the Clerk of the City and County~~
7 ~~of San Francisco.~~ The Commission shall be the filing officer.

8 (c) Members of the Legislature and *State Board of*
9 *Equalization*—one original with the agency, which shall make and
10 retain a copy, ~~forward a copy to the Secretary of State, and forward~~
11 ~~the original to the Commission, which shall retain the original and~~
12 ~~send one copy to the elections official of the county that contains~~
13 ~~the largest percentage of registered voters in the election district~~
14 ~~that the officeholder represents, and one copy to the elections~~
15 ~~official of the county in which the officeholder resides. No more~~
16 ~~than one copy of each statement need be filed with the elections~~
17 ~~official of any one county.~~ The Commission shall be the filing
18 officer.

19 (d) Candidates for the Legislature or the State Board of
20 *Equalization*—one original and one copy with the person with
21 whom the candidate’s declaration of candidacy is filed, who shall
22 ~~forward the copy to the Secretary of State and the original to the~~
23 ~~Commission, which shall retain the original and send one copy to~~
24 ~~the elections official of the county that contains the largest~~
25 ~~percentage of registered voters in the election district in which the~~
26 ~~candidate seeks nomination or election, and one copy to the~~
27 ~~elections official of the county in which the candidate resides. No~~
28 ~~more than one copy of each statement need be filed with the~~
29 ~~elections official of any one county.~~ The Commission shall be the
30 filing officer.

31 (e) Persons holding the office of chief administrative officer
32 and candidates for and persons holding the office of district
33 attorney, county counsel, county treasurer, and member of the
34 board of supervisors—one original with the county clerk, who
35 shall make and retain a copy and forward the original to the
36 Commission, which shall be the filing officer.

37 (f) Persons holding the office of city manager or, if there is no
38 city manager, the chief administrative officer, and candidates for
39 and persons holding the office of city council member, city
40 treasurer, city attorney, and mayor—one original with the city

1 clerk, who shall make and retain a copy and forward the original
2 to the Commission, which shall be the filing officer.

3 (g) Members of the Public Utilities Commission, members of
4 the State Energy Resources Conservation and Development
5 Commission, planning commissioners, and members of the
6 California Coastal Commission—one original with the agency,
7 which shall make and retain a copy and forward the original to the
8 Commission, which shall be the filing officer.

9 (h) Persons appointed to other state boards, commissions, or
10 similar multimember bodies of the state—one original with the
11 respective board, commission, or body, which shall forward a copy
12 ~~to the Commission.~~ *body. The original shall be handled as set*
13 *forth in the Conflict of Interest Code of the respective board,*
14 *commission, or body. If the board, commission, or body is not*
15 *required by its Conflict of Interest Code to send the original to the*
16 *Commission, it shall forward a copy to the Commission.*

17 (i) Members of the Fair Political Practices Commission—one
18 original with the Commission, which shall make and retain a copy
19 and forward the original to the office of the Attorney General,
20 which shall be the filing officer.

21 (j) Judges and court commissioners—one original with the clerk
22 of the court, who shall make and retain a copy and forward the
23 original to the Commission, which shall be the filing officer.
24 Original statements of candidates for the office of judge shall be
25 filed with the person with whom the candidate's declaration of
26 candidacy is filed, who shall retain a copy and forward the original
27 to the Commission, which shall be the filing officer.

28 (k) Except as provided in subdivision (l), heads of agencies,
29 members of boards or commissions not under a department of state
30 government, and members of boards or commissions not under
31 the jurisdiction of a local legislative body—one original with the
32 agency, which shall make and retain a copy and forward the
33 original to the code reviewing body, which shall be the filing
34 officer. The code reviewing body may provide that the original be
35 filed directly with the code reviewing body and that no copy be
36 retained by the agency.

37 (l) Heads of local government agencies and members of local
38 government boards or commissions, for which the Fair Political
39 Practices Commission is the code reviewing body—one original
40 to the agency or board or commission, which shall be the filing

1 officer, unless, at its discretion, the Fair Political Practices
2 Commission elects to act as the filing officer. In this instance, the
3 original shall be filed with the agency, board, or commission,
4 which shall make and retain a copy and forward the original to the
5 Fair Political Practices Commission.

6 (m) Designated employees of the Legislature—one original
7 with the house of the Legislature by which the designated employee
8 is employed. Each house of the Legislature may provide that the
9 originals of statements filed by its designated employees be filed
10 directly with the Commission, and that no copies be retained by
11 that house.

12 (n) Designated employees under contract to more than one joint
13 powers insurance agency and who elect to file a multiagency
14 statement pursuant to Section 87350—the original of the statement
15 with the Commission, which shall be the filing officer, and, with
16 each agency with which they are under contract, a statement
17 declaring that their statement of economic interests is on file with
18 the Commission and available upon request.

19 (o) Members of a state licensing or regulatory board, bureau,
20 or commission—one original with the agency, which shall make
21 and retain a copy and forward the original to the Commission,
22 which shall be the filing officer.

23 (p) Persons not mentioned above—one original with the agency
24 or with the code reviewing body, as provided by the code reviewing
25 body in the agency's conflict of interest code.

26 SEC. 2. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.

35 SEC. 3. The Legislature finds and declares that this bill furthers
36 the purposes of the Political Reform Act of 1974 within the
37 meaning of subdivision (a) of Section 81012 of the Government
38 Code.

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